

IN THE UNITED STATES DISTRICT COURT  
OF THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION

FILED-CLERK  
DISTRICT COURT  
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TEXAS-EASTERN  
BY \_\_\_\_\_

HOLLY ANN SACKS, Individually and §  
as Representative of the Estate of §  
RICHARD TODD SACKS, MELVIN §  
PHILLIP SACKS, and MARILYN §  
PROCTOR, §

Plaintiffs §

V. §

No. 5:04CV73

FOUR SEASONS HOTEL LIMITED §  
and FOUR SEASONS PUNTA MITA, §  
S.A. de C.V., §

Defendants §

**MEMORANDUM ORDER**

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Caroline M. Craven pursuant to 28 U.S.C. § 636. The Report of the Magistrate Judge which contains her proposed findings of fact and recommendations for the disposition of such action has been presented for consideration. No objections to the Report and Recommendation were filed. The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the Report of the United States Magistrate Judge as the findings and conclusions of this Court. Accordingly, it is

**ORDERED** that Defendants Four Seasons Hotels Limited and Four Seasons Punta Mita, S.A. de C.V.'s Rule 12(b)(6) Motion to Dismiss (Dkt. No. 6) be **DENIED**.

SIGNED this 15<sup>th</sup> day of November, 2004.



DAVID FOLSOM  
UNITED STATES DISTRICT JUDGE